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12 Attorneys for Defendant
13 ELECTRONIC ARTS INC.

14 UNITED STATES DISTRICT COURT
15
16 NORTHERN DISTRICT OF CALIFORNIA
17
18 SAN JOSE DIVISION

19 KEVIN RAMIREZ, on his own behalf and on
20 behalf of all others similarly situated,

21 Plaintiffs,

22 v.

23 ELECTRONIC ARTS INC.,

24 Defendant.

Case No. 5:20- cv-05672

**DECLARATION OF DAVID J. ROSEN IN
SUPPORT OF DEFENDANT
ELECTRONIC ARTS INC.'S REQUEST
FOR JUDICIAL NOTICE REGARDING
MOTION TO DISMISS**

Date: February 25, 2021
Time: 9:00 a.m.
Dept.: Courtroom 3 – 5th Floor
Judge: Hon. Beth Labson Freeman

Date Filed: August 13, 2020

Trial Date: Not Yet Assigned

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DECLARATION OF DAVID J. ROSEN IN SUPPORT OF DEFENDANT ELECTRONIC ARTS INC.'S REQUEST
FOR JUDICIAL NOTICE REGARDING MOTION TO DISMISS

Case No. 5:20- cv-05672

1 I, David J. Rosen, declare as follows:

2 1. I am an attorney licensed to practice in the State of California, and an associate at
3 the law firm of Kecker, Van Nest & Peters, LLP, counsel for Defendant Electronic Arts Inc.
4 (“EA”) in this action. I know the facts stated herein of my own personal knowledge, and if called
5 to do so, I would testify to those facts under oath.

6 2. Attached as **Exhibit A** is a true and correct copy of EA’s *FIFA 21*, a commercially
7 available video game.

8 3. Attached as **Exhibit B** is a true and correct copy of EA’s *Madden NFL 21*, a
9 commercially available video game.

10 4. Attached as **Exhibit C** is a true and correct copy of a Microsoft Xbox, a
11 commercially available console for playing video games.

12 5. Attached as **Exhibit D** is a true and correct copy of the Electronic Arts User
13 Agreement dated July 18, 2019, which is publicly available at the following URL:
14 <https://tos.ea.com/legalapp/WEBTERMS/US/en/PC/07182019>

15 I declare under penalty of perjury that the foregoing is true and correct and that this
16 declaration was executed on October 30, 2020 in San Francisco, California

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18 /s/ David J. Rosen
19 DAVID J. ROSEN
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